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VIA CM/ECF

April 29, 2014

The Honorable Stephen L. Crocker
U.S. District Court for the Western District of Wisconsin
120 North Henry Street
Madison, WI 53703

Re: Action Floor Systems, LLC v. Chambers and Sons Flooring, Inc.
(Docket number 3:14-CV-103)
Deadline for Answer by Chambers and Sons Flooring, Inc.

Dear Judge Crocker:

We represent defendant Chambers and Sons Flooring, Inc. (“CSF”). I am writing to inform the court of our understanding of the procedural posture of this case, to ensure that any incorrect understanding may promptly be corrected.

Your Honor held a pretrial scheduling conference on April 8, 2014, with all counsel participating. As a result of this conference, Your Honor entered an order (Docket #20) specifying that April 29 would be the deadline for CSF to file an Answer to the Complaint.

Action Floor Systems, LLC (“Action”) filed an Amended Complaint on April 15, 2014 (Docket #23). The Amended Complaint adds allegations seeking to support joinder of 3 additional defendants. Counsel for CSF and Action have been conferring regarding whether there are areas of mutual agreement on the method and timetable for Action to serve these defendants and for CSF and the new defendants to file responsive pleadings. As of this date, we have not reached an agreement.

We have reason to doubt that Action’s counsel agrees with our understanding that the April 29 deadline to answer has been made moot by his filing of the Amended Complaint. Because Rule of Federal Procedure 12(a)(1)(A) imposes a 21 day deadline for responding to a Complaint or summons (compared to other pleadings after the initiation of a case), our understanding is that a response to the Amended Complaint will be due 21 days after April 15, 2014, namely May 6, 2014. We intend to file CSF’s Answer by May 6, 2014.

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While discussions continue among counsel, we wanted to inform the court of CSF's current understanding as to this deadline.

Respectfully submitted,

s/ Joshua D. Waterston, Esq.
Counsel for defendant,
Chambers and Sons Flooring, Inc.

cc: Alexander T. Pendleton, Esq., via CM/ECF
Edwin J. Hughes, Esq., via CM/ECF
Gerry J. Elman, Esq., via CM/ECF